RESOLUTION NO. 26-_____

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA (GRANTING/DENYING) AN APPEAL BY BARTON W. SMITH, ESQ., ON BEHALF OF THE PROPERTY OWNER EATON ST ENTERPRISES LLC, AS TRUSTEE FOR THE 712 EATON ST LAND TRUST DATED JANUARY 25, 2023, OF THE PROPERTY LOCATED AT 712 EATON STREET, KEY WEST, FL (RE#00006090-000000); HEREBY (UPHOLDING/OVERTURNING) THE CITY OF KEY WEST BUILDING DEPARTMENT'S DENIAL OF BUILDING PERMIT NO. BLD2025-1822 DATED JULY 1, 2026 FOR THE PROPERTY LOCATED AT 712 EATON STREET, KEY WEST, FLORIDA; FINDING THAT THE BUILDING DEPARTMENT'S DENIAL (WAS/WAS NOT) SUPPORTED BY SUBSTANTIAL COMPETENT EVIDENCE IN THE RECORD AND (WAS/WAS NOT) MADE IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE CODE OF ORDINANCES AND/OR LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 1, 2026, the City of Key West Building Department issued a denial of Building Permit No. BLD2025-1822 for an accessory structure at the property located at 712 Eaton Street, Key West, Florida 33040 (the "Property");

WHEREAS, on July 10, 2026, Barton W. Smith, Esq. of Smith/Hawks, Attorneys at Law, on behalf of the Appellant, Eaton St Enterprises LLC, as Trustee for the 712 Eaton St Land Trust dated January 25, 2023 (the "Appellant"), timely filed with the City Clerk a Notice of Appeal of the denial of Permit No. BLD2025-1822, together with the requisite filing fee, pursuant to Sections 90-430 and 90-431 of the City's Code of Ordinances; and

WHEREAS, pursuant to Chapter 90 of the City of Key West Code of Ordinances, an applicant aggrieved by an administrative decision or determination of the Building Official may appeal such decision to the Board of Adjustment; and

WHEREAS, the Board of Adjustment, being a duly constituted quasi-judicial body of the City of Key West, Florida, has the authority to hear and decide appeals resulting from administrative decisions and determinations of City staff, including decisions of the Building Official, pursuant to Sections 90-430 and 90-431 of the City's Code of Ordinances; and

WHEREAS, the Board of Adjustment held a duly noticed public hearing on September 3, 2026, at which all interested parties were afforded a full and fair opportunity to be heard, and at which the Board received testimony, evidence and argument from the Appellant, City staff and members of the public;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the appeal of the City of Key West Building Department's denial of Building Permit No. BLD2025-1822 for the property located at 712 Eaton Street, Key West,

Florida is hereby [granted/denied], based upon the following findings:

_____

_____

_____

_____

_____

Section 2: That the denial of Building Permit No. BLD2025-1822 for the Property by the City of Key West Building Department is hereby [upheld and affirmed/overturned] as the denial [was/was not] supported by substantial competent evidence in the record and [was/was not] made in accordance with the applicable provisions of the City's Code of Ordinances and/or Land Development Regulations.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Board.

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Passed and adopted by the Board of Adjustment at a meeting held this _____day of _____,2026.

Authenticated by the Presiding Officer and Clerk of the Board on the _____day of _____,2026.

Filed with the Clerk on _____,2026.

Chair Sam Kaufman	_____
Vice Chair Donald "Donie" Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Chris Massicotte	_____
Commissioner Mark Rossi	_____

_____
SAM KAUFMAN, CHAIR

ATTEST:

_____
KERI O'BRIEN, CITY CLERK